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In re Application of :
MERSMANN et al. :
Application No.: 10/583,592 :
PCT No.: PCT/EP04/14358 :
Int. Filing Date: 16 December 2004 :
Priority Date: 19 December 2003 :
Attorney Docket No.: 09792511-0250 :
For: REGULATING DEVICE FOR THE :
COOLING AIR FLOWS OF A BULK :
MATERIAL GRATE COOLER :

DECISION ON PETITION

This decision is issued in response to applicants' "Petition under 37 CFR 1.181" filed 10 May 2007. No petition fee is required.

BACKGROUND

On 16 December 2004, applicants filed international application PCT/EP04/14358 which claimed a priority date of 19 December 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire on 19 June 2006.

On 19 June 2006, applicant filed a Transmittal Letter for entry into the national stage accompanied, *inter alia*, by: the requisite basic national fee; a copy of the international application; and a preliminary amendment.

On 05 February 2007, the United States Designated Office (DO/EO/US) mailed a Notification Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a signed oath/declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) together with a surcharge payment were required. The notification set a two-month time limit in which to respond.

On 10 May 2007, applicant filed the present petition which was accompanied, among other things: a copy of the declaration and power of attorney; a post card receipt for application no. 10/585,592; and a copy of a transmittal letter for application no. 10/585,592.

DISCUSSION

A review of the application file confirms the presence of the original response to the Notification Of Missing Requirements filed by applicants on 26 February 2007, including the executed declaration. These documents bear a USPTO receipt stamp dated 26 February 2007, confirming the asserted filing date. Accordingly, applicants' present petition to confirm this filing is granted.

The declaration filed 26 February 2007 is in compliance with 37 CFR 1.497 and constitutes a proper and timely response to the Notification Of Missing Requirements mailed 05 February 2007.

CONCLUSION

Applicants' petition under 37 CFR 1.181 is GRANTED.

The declaration filed by applicants on 26 February 2007 is accepted in compliance with 37 CFR 1.497.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision



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